

REMARKS

Applicant is in receipt of the Office Action mailed April 28, 2005. Claims 1, 12, and 13 were rejected. Claims 14 – 28 have been added. Claims 1 and 12 – 28 remain pending in the application.

Section 103 Rejections

Claims 1 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davani (U.S. Patent No. 6,208,839) in view of Shrader (U.S. Patent No. 6,272,531). Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Davani in view of Shrader and further in view of Pardo (U.S. Patent No. 6,266,539). Applicant respectfully traverses the rejections in light of the following remarks.

Claim 1 recites, in pertinent part:

1. A system for creating persistent references to data sources comprising:
 - a small footprint device, wherein said small footprint device includes a processing unit and system memory;
 - a software framework stored in said system memory, wherein said software framework supports program modules, wherein said program modules implement computing services;
 - a first computing service implemented by one or more of said program modules, wherein said first computing service is operable to create a persistent reference to a data source in response to a user selecting said data source, wherein said data source is an email;
 - a second computing service implemented by one or more of said program modules, wherein said second computing service is operable to access said data source using said persistent reference.

To establish a prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest all the

limitations recited in claim 1. For example, Davani does not teach or suggest “a first computing service implemented by one or more of said program modules, wherein said first computing service is operable to create a persistent reference to a data source.” At col. 3, lines 30-40, Davani discloses that a processor creates a personalized bookmark database. Davani does not teach or suggest that a computing service implemented by one or more program modules is operable to create a persistent reference to a data source.

Furthermore, Applicant respectfully submits that Davani does not teach or suggest “a second computing service implemented by one or more of said program modules, wherein said second computing service is operable to access said data source using said persistent reference.” At col. 2, line 50 through col. 3, line 29, Davani discloses that a paging terminal searches bookmark databases and retrieves information content corresponding to a bookmark. In Fig. 1 and the corresponding description, the paging terminal is described in terms of its hardware elements (e.g., a network connection device and a processor) and its stored data (e.g., the bookmark databases). Davani does not teach or suggest that the paging terminal includes a computing service implemented by one or more program modules. Therefore, Davani does not teach or suggest that a computing service implemented by one or more program modules is operable to access a data source using a persistent reference.

The Office Action contends that Shrader teaches or suggests the claim limitation “wherein said data source is an email” (e.g., at col. 8, lines 40-50). Applicant respectfully disagrees. At col. 8, lines 40-50, Shrader discloses the sending of an email as a specified action to be taken if an action criterion is met. Shrader does not teach or suggest any further role for the email, other than a recipient reading it. Therefore, Davani and Shrader, taken individually or in combination, do not teach or suggest “wherein said first computing service is operable to create a persistent reference to a data source in response to a user selecting said data source, wherein said data source is an email.”

As held by the U.S. Court of Appeals for the Federal Circuit in *Ecologchem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion

or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings “must be clear and particular Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). Applicant respectfully submits that there is no evidence of a suggestion or motivation for one of skill in the art to combine Davani and Shrader to produce the claimed invention. Furthermore, for at least the reasons discussed above, Applicant respectfully submits that the combination of Davani and Shrader would not produce all the limitations recited in claim 1. Accordingly, claim 1 is patentably distinct from the cited references.

Claims 12 and 13 are believed patentably distinct for at least the same reasons discussed with reference to claim 1. Regarding claim 13, the Office Action contends that Pardo teaches or suggests the claim limitation “wherein said data source is an appointment entry” (e.g., at col. 8, line 65 – col. 9, line 2). Applicant respectfully disagrees. At col. 8, line 65 – col. 9, line 2, Pardo discloses the offline use of a Personal Digital Assistant for scheduling meetings. Pardo does not teach or suggest an appointment entry, much less the claim limitation “wherein said data source is an appointment entry.” Furthermore, the cited references, taken individually or in combination, do not teach or suggest “wherein said first computing service is operable to create a persistent reference to a data source in response to a user selecting said data source, wherein said data source is an appointment entry.”

New claims 14 – 28 include the features of claims 2 – 10 as originally filed (now cancelled). Accordingly, no new matter has been introduced, and entry of the claim amendments is requested.

For at least the reasons discussed above, Applicant respectfully submits that the pending claims are patentably distinct from the cited references. Applicant respectfully requests withdrawal of the §103(a) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5181-31400/BNK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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